

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

EASTERN DIVISION

DOCKETED

MAY 14 2002

FILED-ED4

MAY 13 AM 11:42

CLERK
U.S. DISTRICT COURT

DANIEL BECKWITH,

Plaintiff,

v.

LOU DANIELSON, Chicago Police Officer,
DAVID SPELICH, Chicago Police Officer,
CITY OF CHICAGO,

Defendants.

CASE NO.

02C 3420

Judge

JUDGE GETTLEMAN

Magistrate Judge

MAGISTRATE JUDGE LEVIN

COMPLAINT

NOW COMES the Plaintiff, DANIEL BECKWITH ("Beckwith"), by and through his attorneys, the Law Offices of Anthony Pinelli and Thomas Breen and Associates, and complains of Defendants, LOU DANIELSON ("Danielson") and DAVID SPELICH (Spelich"), as follows:

JURISDICTION AND VENUE

1. The jurisdiction of the court is invoked pursuant to the Civil Rights Act 42 U.S.C. Sec. 1983 and the Constitution of the United States.

2. All acts described herein occurred in the City of Chicago, County of Cook, State of Illinois, and venue in the Northern District of Illinois, Eastern Division, is appropriate.

PARTIES

3. Plaintiff Beckwith is a resident of Chicago, Illinois.

4. Defendants Danielson and Spelich are employed as Chicago police officers by the City of Chicago.

1-1

FACTS

5. On April 4, 2001 Beckwith went to the Chicago Police Station located at 3600 N. Halsted Street, Chicago, Illinois.

6. Beckwith went to that station to inquire regarding his friend, Chris Loughlin, who had been arrested earlier that day.

7. Beckwith inquired of officers at the police station regarding Loughlin and was told to leave.

8. When Beckwith declined to leave, he was physically pushed down by the officers, Danielson and Spelich, and suffered physical injuries.

9. Beckwith was then told by officers Danielson and Spelich that he was under arrest, and he was taken into the police station and charged with criminal trespass to property and resisting arrest.

10. Beckwith was held in custody until he was released on bond the next day.

11. The criminal charges against Beckwith were subsequently dismissed in the Circuit Court of Cook County, Illinois.

12. As a direct and proximate result of the force used by Defendants, Beckwith suffered physical injury, pain and suffering, emotional distress and loss of liberty.

13. As a direct and proximate result of his arrest and confinement, Beckwith suffered emotional distress, loss of liberty and pain and suffering.

COUNT I

**CLAIM FOR EXCESSIVE USE OF FORCE IN VIOLATION
OF THE FOURTH AMENDMENT UNDER 42 U.S.C. 1983**

14. Plaintiff hereby restates and realleges paragraphs 1 -13 above.

15. The acts of Defendants Danielson and Spelich in striking and pushing Beckwith to the ground constituted excessive and illegal force in violation of the Fourth Amendment to the United States Constitution.

16. That as a direct and proximate cause of the above actions, Beckwith suffered damages.

WHEREFORE, Plaintiff Beckwith prays for entry of a judgment against Defendants Danielson and Spelich

COUNT II

**ARREST WITHOUT PROBABLE CAUSE IN
VIOLATION OF THE FOURTH AMENDMENT**

17. Plaintiff hereby restates and realleges paragraphs 1 - 13 above.

18. On April 4, 2001 when Defendants arrested Beckwith they did not have a warrant for his arrest.

19. On April 5, 2001 when Defendants arrested Beckwith he had not violated any law of the State of Illinois or ordinance of the City of Chicago.

20. On April 5, 2002 when Defendants arrested Beckwith they lacked probable cause to believe that he had committed a crime.

21. The arrest of Beckwith constituted an unreasonable arrest and seizure under the Fourth Amendment to the United States Constitution.

22. As a direct and proximate result of Beckwith's arrest he suffered damages.

WHEREFORE, Plaintiff prays for an entry of judgment against Defendant's Danielson and Spelich for compensatory as well as punitive damages, costs and attorneys fees.

COUNT III

**CLAIM AGAINST CITY OF CHICAGO
UNDER 745 I.L.C.S. 10/9-102**

23. Plaintiff hereby reincorporates paragraphs 1 - 22 above.

24. At all times relevant to this complaint Defendant City of Chicago was local public entity as defined by 745 I.L.C.S. 10/9-102.

25. At all times relevant to this complaint Defendants Danielson and Spelich were employees of the City of Chicago acting with the scope of their employment.

26. Pursuant to 745 I.L.C.S. 10/9-102 Defendant City of Chicago is required to indemnify Danielson and Spelich for any compensatory damages awarded by the court in this matter.

WHEREFORE, Plaintiff DANIEL BECKWITH respectfully requests this Honorable Court to enter judgment on his behalf and to grant the following relief:

- a) compensatory damages as allowed by law;
- b) punitive damages as allowed by law against Danielson and Spelich;

- c) costs and attorneys fees;
- d) any and all damages and relief that the Court deems appropriate.

Dated this 13th day of May, 2002.

Respectfully submitted,



ANTHONY PINELLI
One of Plaintiff's Attorneys

ANTHONY PINELLI
Law Offices of Anthony Pinelli
53 West Jackson Blvd.
Suite 1460
Chicago, Illinois 60604
312/583-9270

THOMAS M. BREEN AND ASSOCIATES
53 West Jackson Blvd.
Suite 1460
Chicago, Illinois 60604
312/360-1001

JURY DEMAND

Plaintiff respectfully demands trial by jury.



ANTHONY PINELLI
One of Plaintiff's Attorneys

JS 44
(Rev. 12/96)**CIVIL COVER SHEET**

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

DANIEL BECKWITH

DOCKETED

MAY 14 2002

DEFENDANTSLOU DANIELSON
DAVID SPELICH
CITY OF CHICAGO(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Cook
(EXCEPT IN U.S. PLAINTIFF CASES)COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Cook
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

ANTHONY PINELLI
53 West Jackson Blvd., Suite 1460
Chicago, Illinois 60604
312/583-9270

ATTORNEYS (FIRM NAME)

JUDGE GETTLEMAN
MAGISTRATE JUDGE LEVIN

02C 3420

II. BASIS OF JURISDICTION

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff ☒ Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES
(For Diversity Cases Only)

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT

(PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice Act <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 990 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence HABEAS CORPUS: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609

VI. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

Suit seeks damages pursuant to 42 U.S.C. 1983

VII. REQUESTED IN COMPLAINTCHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 ☐

DEMAND \$

CHECK YES only if demanded in complaint

JURY DEMAND: ☒ YES ☐ NOVIII. This case ☒ is not a refiling of a previously dismissed action.☐ is a refiling of case number _____, previously dismissed by Judge _____

DATE

May 10, 2002

SIGNATURE OF ATTORNEY OF RECORD

UNITED STATES DISTRICT COURT

DOCKETED**MAY 14 2002 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

In the Matter of

Daniel Beckwith

v.

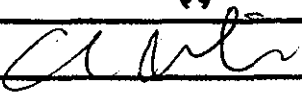
Lou Danielson, David Spelich
and the City of Chicago

Case Number

02C 3420**APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:**

Plaintiff, Daniel Beckwith

JUDGE GETTLEMAN**MAGISTRATE JUDGE LEVIN**

(A)		(B)	
SIGNATURE		SIGNATURE	
NAME	Anthony Pinelli	NAME	
FIRM	Law Offices of Anthony Pinelli	FIRM	
STREET ADDRESS	53 W. Jackson Blvd., Suite 1460	STREET ADDRESS	
CITY/STATE/ZIP	Chicago, Illinois 60604	CITY/STATE/ZIP	
TELEPHONE NUMBER	312/583-9270	TELEPHONE NUMBER	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)	2210681	IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)	
MEMBER OF TRIAL BAR? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/>	
TRIAL ATTORNEY? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/>	
		DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>	
(C)		(D)	
SIGNATURE		SIGNATURE	
NAME		NAME	
FIRM		FIRM	
STREET ADDRESS		STREET ADDRESS	
CITY/STATE/ZIP		CITY/STATE/ZIP	
TELEPHONE NUMBER		TELEPHONE NUMBER	
IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)		IDENTIFICATION NUMBER (SEE ITEM 4 ON REVERSE)	
MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/>		MEMBER OF TRIAL BAR? YES <input type="checkbox"/> NO <input type="checkbox"/>	
TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/>		TRIAL ATTORNEY? YES <input type="checkbox"/> NO <input type="checkbox"/>	
DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>		DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>	

PLEASE COMPLETE IN ACCORDANCE WITH INSTRUCTIONS ON REVERSE.

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